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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,133	01/19/2001	Jonathan E. Lowthert	BKA.0011US	9485

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EXAMINER	
RAMAN, USHA	
ART UNIT	PAPER NUMBER
2623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/766,133	LOWTHERT ET AL.	
	Examiner	Art Unit	
	Usha Raman	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 July 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *27-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *27-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date: _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 6th, 2007 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 27, 29 and 30 have been fully considered but they are not persuasive. Knepper discloses that a user requests a show or a movie, wherein movie is interspersed with advertisements as indicted by the instruction set. See [0041]. Therefore, when an advertisement is played instead of the movie, the playback of the movie is interrupted for playback of advertisement prior to the resumption of the play of the movie. Alternatively, Knepper also discloses that entertainment media files include indications *within* the file, pointing to where advertisement media files maybe inserted therein (see [0041]). Knepper therefore shows the step of indicating where within an entertainment file to insert advertisement, thereby showing where to "interrupt" the play of the entertainment media files for playing advertisements prior to the resumption of the play of content. For the reason above, the rejection is maintained.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 27-30, 34-35, and 37-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Knepper et al. (US PG Pub. 2001/0042249).

With regards to claim 27, Knepper discloses a receiver (client receiver) to receive content (media files) with an information segment (instruction set) and a plurality of advertisements files (see [0008], [0009], the information segment having at least one ad *entry* (<ADInsert>.....</ADInsert>, note that the entry itself is an item entered in a list]), the ad entry having a field (<ADInsert>) in the form of an interruption point specifier to indicate a point to insert an advertisement in the content (interruption point at a location is indicated by placement of the <ADInsert> tag in the instruction set, see [0052]. Knepper discloses that when the user requests playback of a movie or a show, the presentation is similar to that of a television show, wherein advertisements are interspersed within the movie or show. See [0041]. Therefore the presentation (and therefore the play) of the movie is 'interrupted' by inserting the advertisement for play prior to the 'resumption' of the play of the movie.

A cache (client side storage), coupled to said receiver to store the content with information segment and the plurality of advertisements (see [0008], [0009], [0014], advertisements, media files, and information segment are downloaded and pre-cached at client side);

An interface (client side application software) in the receiver identifies a content location (location identified via placement of ADInsert tags relative to media clip entries) and an advertisement (see [0081]-[0083]), out of the plurality of advertisements, to insert in the location; the interface (client side application) to identify based on data from the interruption point specifier the location while the content is still stored in cache (i.e. content is still stored in cache during playback of media files as well as advertisements).

With regards to claim 28, Knepper discloses that a plurality of shows maybe requested by the viewer for subsequent viewing (see [0028]). Knepper further discloses that when each of the shows is requested, the corresponding instruction set is also delivered to the client (see [0026]). When the user finally plays one of the plurality of rested shows, the system executes the instruction set corresponding to the show requested, and therefore has means to associate an identifier of the show with its corresponding instruction set (see [0038]).

With regards to claim 29, 37 and 38, the interface in the system utilizes an *info segment* having a plurality of fields, one field comprising an interruption point specifier (ADInsert tag). It is further noted that the recited limitation of "another field selected from the group consisting of a maximum interruption length specifier,

a resume indicator, a permitted ad type specifier, a prohibited ad type specifier and an ad lock", is written in the alternative language and wherein Knepper anticipates a second field comprising permitted/prohibited (positive/negative associations) ad specifier. See [0080]-[0081]. As such claims 37 and 38, are anticipated by Knepper due to the alternative claim language in claim 29.

With regards to claim 30, the ad entry includes the plurality of fields (positive/negative associations, insertion point) to control the relationship between the content and the plurality of advertisements (see [0082]).

With regards to claim 34, the instruction set lists the plurality of media and advertisement in a manner of sequential playback order. When an 'adclip1' is listed after a 'mediclip1', the 'adclip1' is to be started when 'mediaclip1' has terminated playing (and therefore mediaclip1 has no sound associated with it). Therefore in accordance with the ordering of the instruction set, the location of the 'adclip1' is after the 'mediaclip1', upon whose playback termination, the sound volume associated with the 'mediaclip1' goes to zero.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knepper (US PG Pub. 2001/0042249) in view of Schoff (US Pat. 6,240,555).

With regards to claims 31, Knepper does not disclose the step of further storing a electronic program guide, the program guide having a program identifier and an associated info segment, the program guide enabling locating the info segment corresponding to the selected program.

Schoff discloses a method of associating a supplementary content with a program, wherein the program guide has a program identifier (storage pointer) and enables locating the supplemental data corresponding to a selected program. See fig. 3.

It would have been obvious to one of ordinary skill by modifying the system of Knepper in view of Schoff by using an EPG to locate the information segment associated with program identifier. The motivation is to enable the user to select a show or content for playback from an EPG and enable association of information segment for targeted advertisements.

7. Claims 32, 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knepper et al. (US PG Pub. 2001/0042249).

With regards to claim 32, Knepper discloses that the client system is a computer system. Therefore Knepper does not disclose a television receiver.

Examiner takes official notice that PCTV receiver systems were well known in the art at the time of the invention and providing the client a wider range of services.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system by using a PCTV system so that the user can receiver communications from a computer network as well as a television network.

With regards to claim 35, Knepper discloses a content identifying a show (e.g. SID=48100) for identifying a particular show. See [0050]. Knepper does not disclose that the content identifier is a hashed value of a closed caption text.

Examiner takes official notice that hashing methods were well known in the art at the time of the invention for generating keys related to content information used to identify the content location.

It would have been well known to one of ordinary skill in the art at the time of the invention to modify the system by hashing value of the closed caption text of a program to generate a content identifier, so that the show can be identified based on its content. Such a content identifier can be used to set recording (in a PC/TV system) where episodes can be identified uniquely based on their content (i.e. closed caption data) thereby preventing duplicative recording.

With regards to claim 36, Knepper discloses a content identifying a show (e.g. SID=48100) for identifying a particular show. Knepper does not disclose that the content identifier is a hashed value of a closed caption text.

Examiner takes official notice that VCR+ codes were well known in the art at the time of the invention for used to identify programs to record.

It would have been well known to one of ordinary skill in the art at the time of the invention to modify the system by using a VCR+ code as a content identifier, so

that the recording of the show identified according to the VCR+ codes can be recorded.

8. Claims 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knepper et al. (US PG Pub. 2001/0042249) in view of Yiu (US Pat. 6,008,777).

With regard to claim 33 Knepper does not disclose connecting the system to a presentation device through a wireless connection.

Yiu discloses the step of a PC (located in a den or a office) transmitting video signals to a presentation device (in a family room) over a wireless connection, so that user can view contents of PC from a remote location. See abstract.

It would have been obvious to one of ordinary skill to one of ordinary skill in the art to provide a wireless connection from a PC to a presentation device in home entertainment center, thereby enabling the PC to be located remote to the presentation device.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usha Raman whose telephone number is (571) 272-7380. The examiner can normally be reached on Mon-Fri: 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

UR

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